

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT SALLEY,

Defendant.

Case No. CR20-220RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 22. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 21, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that substantial discovery has been provided, that defense counsel requires additional time to investigate, and that there is a possibility that defendant will undergo a psychosexual evaluation, which normally takes two to three months to complete. Dkt. # 22. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The COVID-19 pandemic continues to impact the Court's operations. See W.D. Wash. Gen. Order Nos. 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 (incorporated by reference). In particular, the COVID-19 pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health

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1 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in
2 the courtroom. Due to these challenges, the Court finds that proceeding with an earlier trial
3 would likely be impossible or would result in a miscarriage of justice, as set forth in 18 U.S.C.
4 § 3161(h)(7)(B)(i).

5 3. The Court finds that the additional time requested between May 3, 2021 and the proposed
6 trial date of July 26, 2021, is a reasonable period of delay. The Court finds that this additional
7 time is necessary to provide counsel reasonable time to prepare for trial, considering all the facts
8 set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and that
10 these factors outweigh the best interests of the public and defendant in a speedier trial, within
11 the meaning of 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen. Order Nos. 15-20, 18-20.

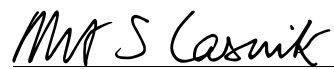
12 5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy
13 trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right
14 and consented to the continuation of his trial to a date up to and including August 26, 2021, Dkt.
15 # 21, which will permit his trial to start on July 26, 2021, per defendant's request.

16 IT IS HEREBY ORDERED that the trial date shall be continued from May 3, 2021, to
17 July 26, 2021, and pretrial motions are to be filed no later than June 25, 2021.

18 IT IS FURTHER ORDERED that the period of time from the current trial date of May 3,
19 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy
20 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of
21 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
22 (h)(7)(A), and (h)(7)(B).

23 IT IS SO ORDERED.

24 DATED this 5th day of April, 2021.

25
26 
27 Robert S. Lasnik
28 United States District Judge